Supreme Court, U.S.
FILED

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No.

In The

Supreme Court of the United States

Cindy R. Leonard

Petitioner

v.

Porter J. Goss, Director
Central Intelligence Agency
et. Al

Respondents

On Petition For Writ Of Certiorari
United States Court Of Appeals For The Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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May the Central Intelligence Agency ignore the patterned aspect of allegations and define the wording of the issues related to claims of harassment under Title VII, claims of retaliation for participating in processes related to Title VII claims, and of claims of a hostile work environment in a piece meal fashion.

May post removal evidence be considered in reviewing a charge of medical incapacity.

May agency refusal to pursue a claim of harassment be construed to assert that a complainant did not exhaust all of her administrative remedies.

May attorneys defending an Agency accept service for a contract employee, then later allege that the contract employee was not served.

May Agency medical personal in their official capacities threaten an employee with a termination of employment for refusal to accept medical advice calculated to adversely affect the employee's health and quality of life or that is calculated to lead to death or serious disability for pursuing a complaint in or outside the workplace.

Given the criminal sanctions that can be imposed for revealing the names of covert operational assets and the increasing use of non government employee informants, how can a CIA employee involved in civil suit where an unwitting person or a non CIA affiliate needs to be served, serve that unwitting person without getting

sanctioned administratively and or criminally for revealing either the employee who is bringing suit's CIA affiliation or any other CIA employee's CIA affiliation.

Should the security clearance process be subject to judicial oversight and relief.

Parties To Proceeding

Cindy R. Leonard
Porter J. Goss, Director, Central Intelligence Agency
Heidi F.
William F.
Douglas B.
Marilee J. Layman
Herbert Briick
Ronald L.
Diane E. Florkowski
William Crumb
Susan Waterman
Jeanette Moore
Gary C.
Shirley S.
Lynda M.
The United States of America

Corporate Disclosure Statement

To my knowledge, there is no parent or publicly held company owning 10% or more of the corporation's stock.

Table of Contents

	PAGE
Questions Presented For Review	i
List of Parties	iv
Corporate Disclosure Statement	iv
Table of Authorities	vi
Citations of Official and Unofficial Reports of Opinions and Orders	1
Statement of the Basis for Jurisdiction	2
Constitutional Provisions and Statutes	3
Statement of the Case	5
Reasons for Granting the Writ	25

INDEX TO APPENDICES

App.		
A	Decision Court of Appeals Motion For Rehearing	29
B	Decision Court of Appeals	31
C	Decision Federal District Court	34
	Decision Federal District Court Denial of Default Judgment	
D	Regarding William Crumb	61
	EEOC Decision Denial of CIA	
E	Request for Reconsideration	62
F	Health Insurance Portability and Accountability Act	67
G	Civil Rights Act of 1964	102

Table of Authorities

CASES

	PAGE
Desert Palace, Inc. v. Costa	15
Lipphardt v. Durango Steakhouse	25
National Railroad Passenger Corporation v. Morgan	24
Swierkiewiz v. Sorena N.A	17
McDonnell Douglas Corp v. Green	17
Clockedile v. New Hampshire Department of Corrections	24
Hollins v. Atlantic Co., F.3d. (1999 WL 615487, 6th Cir.)	24
Salter v. Walmart Stores, Inc	24
Burlington Northern Industries v. Ellereth	22

CONSTITUTIONAL AMENDMENTS AND STATUTES

Constitutional Amendments or Statute

Health Insurance Portability and Accountability Act (HIPAA)	67
5th Amendment U.S. Constitution	3
14th Amendment U. S. Constitution	3
Section 703(a)(1) Civil Rights Act	4
42 U.S.C. 2000e	4

CITATIONS OF OFFICIAL AND UNOFFICIAL REPORTS OF OPINIONS AND ORDERS ENTERED IN THE CASE

The opinion of the decision of the United States Court of Appeals for the Fourth Circuit for rehearing is unpublished and appears at Appendix A to the Petition.

The decision of the United States Court of Appeals for the Fourth Circuit unpublished and appears at Appendix B to the Petition.

The decision of the Federal District Court is unpublished and appears at Appendix C to this Petition.

The decision of the Federal District Court on the motion for Default Judgment regarding William Crumb appears at Appendix D to this Petition and is unpublished.

STATEMENT OF THE BASIS FOR JURISDICTIONS

The United States Court of Appeals for the Fourth Circuit affirmed the District Court's opinion in a decision reached on 20 December 2004. A timely petition for rehearing and rehearing en banc was denied by the United States Court of Appeals for the Fourth Circuit on 12 July 2005 and a copy of the order denying rehearing appears at Appendix A of this petition. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ETC

Selected Provisions of the United States Constitution

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Gran Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and or the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Selected Federal Statutes

Section 703(a)(1) Civil Rights Act 42 U.S. C. 2000e. It shall be an unlawful employment practice for an employer

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

The full text of applicable act is included in Appendix G of this document.

Health Insurance Portability and Protection Act. "...SEC. 1171"(4) HEALTH INFORMATION.--The term 'health information' means any information, whether oral or recorded in any form or medium, that--

"(A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

"(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual"... The full text of applicable law is included in Appendix F of this document.

STATEMENT OF THE CASE

BACKGROUND

In 1989 Petitioner began employment with CIA, she received two monetary awards totaling $2500 between 1989 and 1995 for exceptional duties as a line supervisor and for writing and editing an internal newsletter that noticeably raised the morale of her unit so much that it was implemented across the entire group indicating her positive interpersonal, management, writing, and communication skills. In 1995 after completing the career training program, she was selected and entered the polygraph training class along with approximately 25 other students at least 18 of whom were CIA employees.

Shortly after entering the polygraph class, Petitioner noticed that she was treated differently from her classmates, one classmate asked her what classified information she had disclosed indicating that the different treatment was be due to results of her last polygraph session and effectively placing Petitioner on notice. Another employee informed her that a male white classmate, Douglas B. was reviewing her security file. No classmate had any reason to review anyone assigned to the polygraph class's security file. Douglas B. also began to make negative racial and gender related comments routinely stating that the polygraph class had the most blacks ever assigned to one polygraph class, that the quality of the polygraph class was lowered because

qualified male white employees were excluded to allow unqualified black males and females in the class. He once told a white female to hit Petitioner in response to Petitioner requesting that the female white not adjust the air as prior to the female white entering the room, all had agreed to turn the thermostat up because it was too cold. Douglas B. also routinely alleged that he was a victim of discrimination because he was a white male and that he was tired of having to cater to blacks and females. Douglas B. also alleged that he was not promoted and selected as the manager of his prior unit because he was a white male, but that a female black allegedly with less experience was selected as a manager and promoted to GS 14 simply because she was a black female. On one occasion while reviewing an applicant's case prior to her being administered her pre-employment polygraph testing, in regards to the Applicant, Douglas B. stated "she's black, female, from Detroit, you know she used [uses] drugs," thereby indicating some of his biased, misplaced, stereotypical, preconceived notions about the behavior of black females. The applicant was not accepted for employment as a result of polygraph testing related to the questions of drug usage. Given the influence that an examiner has over a polygraph test, and his history of documented interpersonal conflicts in general and minorities in particular (part of the reason that he was not promoted to manager of his prior assignment), he should have been removed from the polygraph environment, however he was not. However, William F. stood so close to Petitioner that she could feel the heat from his belly as he yelled at Petitioner to leave based on